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UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JEANNE ENDO,)	CIVIL NO. CV03-00563 LEK
)	
Plaintiff,)	DEFENDANT UNITED PUBLIC
)	WORKERS' OBJECTIONS TO
vs.)	OTHER PARTIES' PROPOSED
)	JURY INSTRUCTIONS
UNITED PUBLIC WORKERS,)	
AFSCME LOCAL 646, AFL-CIO,)	
)	
Defendant,)	
)	
vs.)	
)	
GARY W. RODRIGUES,)	TRIAL DATE: May 13, 2008
)	
Third-Party Defendant.)	
)	
)	
)	

DEFENDANT UNITED PUBLIC WORKERS’
OBJECTIONS TO OTHER PARTIES’ PROPOSED JURY INSTRUCTIONS

Defendant United Public Workers, AMFSCME Local 646, AFL-CIO (“UPW”) objects to the other parties’ proposed jury instructions for the reasons noted below:

A. Parties’ Proposed Joint Jury Instructions.

UPW “stipulated” to the joint jury instructions subject to an objection that they include issues that the Court will need to rule on, all or in part, as a matter of law, i.e., they include matters that should not be submitted or decided by the jury.

B. Plaintiff’s Proposed Supplemental Jury Instructions.

UPW objects to Plaintiff’s proposed supplemental instructions for the following reasons:

<u>Instruction</u>	<u>Topic</u>	<u>Objection</u>
1	Experts	No expert opinions should be offered or allowed, so instruction is unnecessary.
2	Unwelcomed	Unnecessary; incorrect statement of law; argumentative.

3	Tangible employment action	Unnecessary; not supported by evidence; judicial estoppel; court can rule as a matter of law that sex was not express or implied condition of employment and Plaintiff had no significant change in employment status.
4	Other claims	Unnecessary; not supported by evidence; no admissible evidence of hostile work environment against other employees; incorrect statement of law; must be sexual harassment.
5	Retaliation	Unnecessary; not supported by evidence; no evidence of adverse employment action; incorrect statement of law; argumentative; untimeliness not addressed.
6	Compensating damages	Unnecessary; redundant; covered by standard instructions Nos. 8.1 - 8.4, and 8.8 - 8.11.

7	Punitive damages	Unnecessary; redundant; not supported by the evidence; covered by standard jury instructions Nos. 8.12 - 8.17 and Defendant's proposed instructions pages 17-24.
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C. Third-Party Defendant's Proposed Jury Instructions.

UPW objects to Third-Party Defendant's proposed instructions for the following reasons:

1	Duty of Indemnity	Unnecessary; not supported by evidence; court can rule as a matter of law; no action by third-party against Rodrigues.
2	Authorized Conduct	Unnecessary; not supported by evidence; court can rule as a matter of law; no action by third-party against Rodrigues.

DATED: Honolulu, Hawaii, May 6, 2008.

/s/ Charles A. Price
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AFSCME, LOCAL 646, AFL-CIO